

Express Mail Label No. EV 912 289 139 US

PATENT APPLICATION
Docket No: 13914.380.1.1.1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

William T. Dalebout et al.

Serial No.: 10/083,453

Filing Date: February 26, 2002

Confirmation No.: 8307

For: Fold-Out Treadmill

Examiner: Glenn E. Richman

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) Art Unit
) 3764
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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97

Mail Stop: RCE
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed listed references are disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which

the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

Statement of Relevance of References Listed
Unaccompanied by English Translation
Under 37 C.F.R. § 1.98 (a)(3)

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed references or relevant portion thereof that is not a US patent document is also enclosed.

| Document Number | Publication Date | Country/Patent Office | Relevance of Document |
|-----------------|------------------|-----------------------|---|
| 2 225 342 | 12/1973 | Germany | As shown in Figures 1 and 2, the patent relates to use of a compressionable cylinder or spring. |
| 2 408 052 | 12/1973 | Germany | As shown in Figures 1 and 2, the patent relates to use of a compressionable cylinder or spring. |
| 3601184 A1 | 1/1986 | Germany | As shown in Figures 2 and 3, the patent relates to treadmills. |
| 1044355 | 11/1954 | Germany | As shown in Figures 1 and 2, the patent relates to treadmills. |
| 1057928 | 5/1957 | Germany | As shown in Figures 1-3, the patent relates to treadmills. |
| 238211 | 1993 | China | As shown in Figure 1, the patent relates to treadmills. |
| 222239 | 1993 | China | As shown in Figure 1, the patent relates to treadmills. |
| 223261 | 1993 | China | As shown in Figures 1, the patent relates to rotating belt treadmill type devices. |
| 825122 | 07/1977 | Russian Federation | As shown in Figure 1, the patent relates to rotating belt treadmill type devices. |
| 1248615A1 | 07/1986 | U.S.S.R. | As shown in Figure 1, the patent relates to foldable or movable exercise equipment. |
| 1297879 A1 | 2/1985 | U.S.S.R. | As shown in Figures 1 and 2, the patent relates to treadmills. |
| 740943 | 8/1932 | France | As shown in Figures 1 and 2, the patent relates to treadmills. |
| 1432392 | 2/1965 | France | As shown in Figure 1, the patent relates to exercise equipment |

| | | | |
|--|--|--|-----------------------|
| | | | and adjustable bases. |
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French Patent No. 2527457-A, Issued 5/28/1982: Rolling mat for leg exercises – has user supported by harness hooked to two rods and having chest and neck straps. The rolling mat (1) moves freely over rollers (4,5) towards the front. The movement is regulated by an inertial weight in the front roller (5). The user is supported on the mat by a harness and his body leans on a chest strap (32) suspended from a strap (33) round his neck.

The sides of the harness (31) are hooked on to two rods (21) at an oblique angle, sloping backwards. For storage, the rods can be folded forwards. The apparatus can also be used in a vertical position.

French Patent No. 2677257-A1, Issued 6/6/1991: Walking, jogging and running on-the-spot machine – has electronic unit giving information regarding user performance, with ratchet mechanism preventing forward motion of endless belt. The exercise machine is housed in a chassis. A continuous rolling road band (21) is mounted on drive cylinders (13), and driven round by them. The drive speed can be adjusted by movement of an arm attached to a cam control which can be controlled by the user.

A rear section (4) houses the electronics. The speed of the rolling road is timed by a computer to display the pace of the user, and the pace can be adjusted from the computer.

ADVANTAGE: Allows running exercises to be carried out on spot, leaving arms and body free to balance.

Japan PCT Patent No. WO 81/01960, Issued 7/23/1981: Running Machine. Running machine which can move in the same manner that the entire body and limbs move to run, and run at a high speed including acceleration and deceleration selected by a runner, and incorporates an endless movable belt moving backwardly as the user runs, in order to safely obtain the running

exercise effect. This machine consists of first means for longitudinally elastically supporting the runner's abdomen or waist at a supporting base to thereby apply the motion of the upper body to the machine, and second means for limiting the ratio of the runner's inertia to the mechanical exercise system's inertia to a predetermined range to thereby stabilize the running exercise. In order to render the running feeling close to that of natural running, the mechanical loss of the mechanical exercise system is reduced to as great an extent as possible. Compensating the residual mechanical loss by an electromotive force is practical and economical.

Dated this 12 day of July, 2006.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Ballard', with a long horizontal stroke extending to the left.

Michael M. Ballard
Attorney for Applicants
Registration No. 54,978
Customer No. 022913
Telephone No. 801.533.9800

Applicant: William T. Dalebout et al.
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 For: FOLD-OUT TREADMILL

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 Att'y Docket No.: 13914.380.1.1.1
 Art Unit: 3764



INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANT

U.S. Patent Documents

| <u>Examiner Initial*</u> | <u>Document Number</u> | <u>Issue Date/ Publication Date</u> | <u>Name</u> |
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| ___ 20 | D318,086 | 07/1991 | Bingham et al. |
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Other Documents

(including author, title, pertinent pages, etc.)

| <u>Examiner Initial*</u> | <u>Document Number</u> | <u>Publication Date</u> | <u>Country or Patent Office</u> | <u>Translation</u> |
|------------------------------|---|-----------------------------|-------------------------------------|--------------------|
| ____ 199 | AerobicRider Brochure, 4 pages without page numbers. | | | |
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| ____ 208 | Copy of Brochure for Flex 'n' Stride, printed July 6, 1993, 5 pages. | | | |
| ____ 209 | Copy of brochure for Genesis 1000", Technology for Total Fitness entitled "The Optimum Performance Home Fitness Center" (© Genesis, Inc., September 1985, 1 page). | | | |
| ____ 210 | Copy of brochure for Genesis 2000", Technology for Total Fitness entitled "The Ultimate in Home Exercise Equipment" (© Genesis, Inc., September 1985, 2 pages). | | | |

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- _____ 211 Copy of brochure for Genesis 3000", Technology for Total Fitness entitled "The Dynamic Answer to Home Fitness and Health" (© Genesis, Inc., September 1985, 1 page without page number).
- _____ 212 Copy of brochure for Genesis 4000", Technology for Total Fitness entitled "The Modern Approach to Home Fitness and Health" (© Genesis, Inc., September 1985, 2 pages without page numbers).
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- _____ 215 Copy of Brochure for JKExer Built For Health, 16 pages without page numbers.
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- _____ 217 Copy of Brochure page "Treadmills and Benches," for Apache MT-006.
- _____ 218 Copy of Brochure for MacLevy, 5 pages without numbers.
- _____ 219 Copy of Brochure for Otros Productos Sonnen Land, printed April 2, 1993, 1 page.
- _____ 220 Copy of brochure for Quinton Instruments, 1974, 34 pages, pp. title page, 1-32 (some pages are enclosed without pages numbers.)
- _____ 221 Copy of Brochure for Roadmaster Fitness Equipment 1989 (© Roadmaster Corporation 1989, 6 pages).
- _____ 222 Copy of Brochure for Sears.Sport, 6 pages, pp. 498-503.
- _____ 223 Copy of Brochure for Service Merchandise, 3 pages without page numbers.
- _____ 224 Copy of Brochure for SpaceMaker 1000 LS, 1 page without page number.
- _____ 225 Copy of Brochure for Spirit, 8 pages without page numbers.
- _____ 226 Copy of Brochure for Taiwan, 2 pages without page numbers.

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- _____ 228 Copy of brochure for Vitamaster® 1988 Product Line entitled "Vitamaster®" (Vitamaster Industries, Inc., 1988, 10 pages without page numbers.
- _____ 229 Diagram of "HealthRider®" Parts Description (April 26, 1994, 1 page without page number).
- _____ 230 Formula Ventures Owners Manual 22115 Manual Treadmill, upon information and belief, available in 1994, 20 pages.
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- _____ 232 JCPenney Catalog, 1 page, pp. 740.
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- _____ 235 Sears 1993 Spring/Summer Annual Catalog, 26 pages, pp. title page, 1384-1405, 1411 (some pages are enclosed without page numbers.
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- _____ 253 The New Yorker, March 6, 1989, 5 pages without page numbers.

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- _____ 257 "Treadmills." Consumer Reports, available on information and belief at least as early as December 1997, 5 pages.
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- _____ 260 Trotter Advertisement: "Introducing the 575 Club Trainer: One Piece of Equipment for Walking, Jogging, Running, and Climbing," available on information and belief at least as early as 1992 (2 pages).
- _____ 261 Tunturi Fitness Products II Brochure, 8 pages without page numbers.
- _____ 262 Voit Advertisement "Body Jack" (Damark, November 14, 1994, 1 page without page number).
- _____ 263 Voit Advertisement "Gravity Rider" with enlarged photocopy (Damark, July 28-August 1, 1994, 2 pages without page number).
- _____ 264 Voit Advertisement "Gravity Rider" (Damark, July 28, 1994, 2 pages, pp. 34-35).

References Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

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